

UNITED STATES OF AMERICA  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;  
Mark Acton, Vice Chairman;  
Dan G. Blair;  
Tony L. Hammond; and  
Nanci E. Langley

Wesleyville Post Office Closing  
Wesleyville, Pennsylvania

Docket No. A2011-12

COMMENTS OF THE PUBLIC REPRESENTATIVE

(June 30, 2011)

I. Summary of Proceedings

The Commission received a petition for review of the closing of the Wesleyville Finance Station located in Wesleyville, Pennsylvania. The petition, which was filed by William A. Wittenberg (Petitioner), is dated March 25, 2011, and was posted on the Commission's website on March 28, 2011.<sup>1</sup> In Order No. 707 the Commission instituted a proceeding under 39 U.S.C. 404(d)(5), designated the case as Docket No. A2011-12

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<sup>1</sup> Letter Received from William A. Wittenberg, Regarding the Closure of the Wesleyville, Pennsylvania Post Office, March 28, 2011 (Petition).

to consider the Petitioner's appeal and designated the undersigned as Public Representative.<sup>2</sup>

The Petitioner raises the issue of whether the Postal Service failed to follow its statutory requirements for post office closures (see 39 U.S.C. 404 (d)(1); and failure to consider effect on the community (see 39 U.S.C. 404(d)(2)(A)(i)).

On April 12, 2011, the Postal Service filed its notice in response to Order No. 707, and responded that it did not have a full administrative record supporting the discontinuance of the Wesleyville Post Office that complied with the 39 U.S.C. 404(d).<sup>3</sup> The Postal Service contends that the Wesleyville Post Office is not a post office and its closing does not require the development of a final administrative record supporting the discontinuance. Additionally, it also asserts that the procedural requirements for review under section 404(d) do not apply. The Postal Service maintains that Petitioner's claims do not qualify as a closure as contemplated by 39 U.S.C. 404(d) since the postal customers at the Wesleyville Post Office will not lose access to postal services in that retail service facilities are in close proximity to the discontinued station. *Id.* at 2. It supports this claim by citing the Commission's decision in Order No. 477, which found that access to an alternate postal facility location within 1.7 miles was deemed to be in close proximity for purposes of evaluating loss of postal services. *Id.*

The Postal Service filed comments on the instant case on May 23, 2011.<sup>4</sup> The Petitioner filed his Participant Statement, PRC Form 61 on April 19, 2011.<sup>5</sup> In his petition, Petitioner claims that the Wesleyville Post Office has a large number of customers that are 55 years of age or older and have limited mass transit system access. Petition at 1. The Petitioner claims that the closing of the Wesleyville Post Office and travel to the alternative location is problematic without access to bus or

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<sup>2</sup> Notice and Order Accepting Appeal and Establishing Procedural Schedule, March 31, 2011 (Order No. 707).

<sup>3</sup> Notice of United States Postal Service, April 12, 2011 (Notice). Attached to the Notice is the Final Determination to close the Wesleyville Post Office and information regarding additional post offices located in the vicinity of the finance station.

<sup>4</sup> Comments of the United States Postal Service, May 23, 2011 (Comments).

<sup>5</sup> Participant Statement, William A. Wittenberg, April 19, 2011 (Participant Statement).

private transportation. He finds the written response by the Postal Service to the concerns raised by the closing to be inadequate to address these concerns. *Id.* 1-2.

In the Participant Statement the Petitioner elaborates on his claim that the Postal Service failed to comply with 39 U.S.C. 404(d)(1) and 39 U.S.C. 404(d)(2)(A)(i).<sup>6</sup> The Petitioner asserts that the only notice provided regarding the proposed closing of the Wesleyville, Post Office were two signs taped to the inner and outer doors of the Wesleyville Post Office with no supplemental information. Participant Statement at 1. The Petitioner claims that the notice provided the date of closing and no other pertinent information was given on the closing process and how related issues would be addressed. *Id.* He contends that the Postal Service has violated Section 404(d) by not complying with its requirements to provide persons served by the Wesleyville Post Office adequate notice of its intention to close or consolidate the post office at least 60 days prior to the proposed date of closing or consolidation. *Id.* at 2.

The Petitioner also asserts that the Postal Service did not fully consider the effect of the closing in accordance with 39 U.S.C. 404(d)(2)(A)(i)(iii). He states further that the economic savings resulting from the closing has been overestimated. *Id.* at 3. The Petitioner contends that his review of the calculation of economic savings resulting from the closing is incorrect because it includes employee salaries and fringe benefits that are not actualized because the affected employee will be reassigned to another Postal Service facility.<sup>7</sup> *Id.* He claims that most Postal Service customers do not comprehend any linguistic or bureaucratic distinctions in the terms post office, branch or facility. . The Petitioner claims that a Postal Service news release dated January 29, 2010, which referenced the proposed consolidation or review of post offices was not posted at the Wesleyville Post Office.

The Petitioner contends that the Wesleyville Post Office is more accessible for persons with disabilities or limited mobility. He states this is a significant concern because of the large numbers of senior citizens in the vicinity. The Petitioner claims

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<sup>6</sup> Participant Statement filed by William A. Wittenberg, April 19, 2011 (Participant Statement.

<sup>7</sup> The Petitioner contends the savings estimate should be less than a quarter of the projected savings.

that the alternative facility. *Id.* at 5. Finally, he suggests that the Postal Service remain open until the end of the lease term or November 2012 and allow sufficient time for adequate notice to customers and would be economically beneficial. *Id.*

Commission Information Request No. 1 (CIR No. 1) was issued on June 9, 2011, to obtain the complete Administrative Record of the closing of the Wesleyville Post Office. The Postal Service filed the complete Administrative Record in response to the Commission's request on June 16, 2011.<sup>8</sup>

#### Discussion

The documentation in the Postal Service's Administrative Record on this closing indicates that the Wesleyville Post Office was included in the Stations and Branches Optimization and Consolidation Initiative. Administrative Record, Exhibit 2, Item 5, page 3. Also included in the record is a reference to a Congressional Briefing on September 2, 2009 and a Union meeting on August 11, 2009. It appears that there was discussion of many financial and other matters related to the discontinuance of certain stations and branches, as defined by the Postal Service. Comments at 1-3.

Based on the Administrative record filed in this case, it appears that the Postal Service has given notice of the proposed closing to certain customers by an August 19, 2009 letter included with questionnaires. The Administrative Record contains copies of the questionnaires and the responses. See Exhibit 2, Item No.10 Pages 1-240.

The Postal Service states that it gave notice of its final determination on the closing through a letter to community leaders dated March 18, 2011. Comments at 3. The Petitioner states he received a copy of the letter.<sup>9</sup>

*Effect on the community.* Petitioner asserts an overall claim that the Postal Service has not considered the effect of the closure on the community and therefore has not complied with 39 U.S.C. 404(d)(2)(A)(i)(iii). The Administrative Record demonstrates that the Postal Service provided responses to service related issues

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<sup>8</sup> United States Postal Service Filing and Application for Non-Public Status, June 16, 2011 (Administrative Record).

<sup>9</sup> In Petitioner's Rebuttal, June 7, 2011. Petitioner noted that he received the letter in his claim that he was the only person who received the letter to community leaders.

raised with respect to the effect of the closing in customer responses to the questionnaires. See Item No. 10, pages 147 and 183. In this case there are numerous letters from customers filed in the record that demonstrate the intense concern about the effect of the closing. In spite of the Postal Service's responses to their concerns there are obviously unhappy residents.

The Postal Service argues that the alternative service gives customers access to retail delivery services from the Erie General Mail Facility (GMF) that is 1.9 miles away. Notice, Exhibit 1 at 1. It states that the Erie GMF will provide more window service hours, closing at 6:00 rather than 4:00 pm. Monday through Friday and offering Saturday service for an additional one and a half hours compared to the Wesleyville Post Office. The Erie GMF also provides 24 hour lobby access. *Id.* This alternative is conformity with Order No. 477.

The Administrative Record supports the use of the Erie GMF. In spite of options cited by the Petitioner, the Postal Service has determined that the alternative service location provides the most viable economic alternative to provide regular and effective service to the Wesleyville facility. The Public Representative agrees that the Postal Service will save some money by the closure of this location. However, Postal Service management should follow up in this community to determine that senior citizens and persons with disabilities are receiving proper service or assistance as necessary from the Erie GMF.

The Postal Service has also complied with providing notice in conformity with 39 U.S.C. 404(d). The administrative record and final determination demonstrate that the Postal Service has taken the impact of the loss of the post office under consideration. However, it appears in the process, it may need to post notice of the final determination in conspicuous locations in several locations. Notice in this instance was given to community leaders but it may be more effective to notify the community in acknowledged gathering places upon consultation with community leaders.

The Postal Service has determined the cumulative result of all factors to be considered in the instant case make closure the best option for the community to receive regular and effective postal services.

The Petitioner and others citizens of the community view its post office as a reflection of its recognition as a distinct and valuable community.

*Conclusion.* The Postal Service has complied with consideration of the effect on the community. 39 U.S.C. 404(d)(2)(i). It has demonstrated that it may continue to provide regular and effective postal services to the community. With maintenance of the Postal Service as the goal the public is ultimately served by the resulting savings however small that cumulatively may assist in the Postal Service reducing its massive debt.

Respectfully Submitted,  
/s/ Cassandra L. Hicks  
Public Representative

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